

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SAMUEL MCCRAY,

Petitioner,

vs.

STATE OF NEBRASKA, and SCOTT R.  
FRAKES, Director of the Nebraska  
Department of Correctional Services,

Respondents.

**8:21CV7**

**MEMORANDUM AND ORDER**

On May 11, 2021, I entered a judgment. (Filing 18.) The judgment provided that the Petition for Writ of Habeas Corpus and any amendments or supplements thereto was denied and dismissed with prejudice and no certificate of appealability has been or will be issued.

The Petitioner then filed a motion for reconsideration. (Filing 19.) I ordered the Respondent to reply. (Filing 20.) Instead of relying upon the motion for reconsideration, the Petitioner filed an appeal. (Filing 21.)

The Respondent has responded to the motion for reconsideration. (Filing 25.) The response details why the motion for reconsideration is without merit.

Moreover, and perhaps more fundamentally, the Court of Appeals took up this matter and fully reviewed it. (Filing 29.) On August 12, 2021, the Court of Appeals denied the appeal. (Filing 30.) Therefore,

IT IS ORDERED that my previous decision stands. (Filing 17; Filing 18.) There is nothing further required of me or the Respondent. The Clerk of Court shall

close this case. To be clear, the Petitioner's motion for reconsideration (Filing 19) is denied as moot.

Dated this 14th day of September, 2021.

BY THE COURT:

A handwritten signature in blue ink that reads "Richard G. Kopf". The signature is written in a cursive, flowing style.

Richard G. Kopf  
Senior United States District Judge